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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/679,781	10/05/2000	Rodney Charles Dunsmore	AUS9-2000-0557-US1	8696

7590 12/10/2003
Kelly K Kordzik
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EXAMINER

GORT, ELAINE L

ART UNIT PAPER NUMBER

3627

DATE MAILED: 12/10/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/679,781

Applicant(s)

DUNSMORE ET AL.

Examiner

Elaine Gort

Art Unit

3627

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 October 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 29-40 and 55-69 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 29-40 and 55-69 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Drawings

1. This application has been filed with informal drawings which are acceptable for examination purposes only. Formal drawings will be required when the application is allowed.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 29-40 and 55-69 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dorr (US Patent 4,530,067) in view of Meyer et al. (US Patent 5,933,812).

Dorr discloses a restaurant ordering and payment system with a waiter's terminal for taking orders from a plurality of patrons at a table which conveys the information to a waiter's terminal (e.g. the computer system tracking the orders and calculating the bill); the ability to pay at the table; a display showing the amount due and ability to do separate checks with credit cards via the system which allows a first patron based on a first patron to make a payment; and calculation of a balance owed and allowing subsequent patrons at the same table to pay until the table's remaining balance is zero.

Dorr discloses the claimed device except for the payment unit being physically located at the table. Meyer et al. discloses that it is old and well known in the art of restaurant billing and ordering to physically locate payment units at the table in order to allow customers to get the bill when they want it and pay at their convenience and to reduce the burden on the wait staff. It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the system of Dorr with a payment device located at the tables as taught by Meyer et al., in order to provide convenience to customers and to alleviate the burden on wait staff.

Regarding the particular algorithm of calculating a total bill, subtracting each customer's payment until the balance is zero Examiner takes official notice that it is notoriously old and well known in the art of accounting to track amounts owed by reducing the amount owed by the amount paid until the amount is fully paid in order to track the customer's debt and to know when the customer has paid all their debt. Therefore it would have been obvious to provide the system as modified above with the claimed algorithm of reducing the total by the partial payments and tracking the amount due until it reaches zero in order to know when the customer has paid all their debt.

Regarding colored lamps to indicate if full payment is made, the use of indicators are notoriously old and well known in the art of data processing to indicate to users some important state, such as full or incomplete payment of the bill, and would have been obvious at the time of the invention to prevent patrons from walking off without paying.

Touch-sensitive screens are also notoriously old and well known in the art of data processing and data entry to allow users to simply touch the item they wish to activate

on the screen which provides an extremely user friendly interface and would have been obvious at the time of the invention to provide patrons with an easy customer friendly interface.

Regarding display of a list of items, Dorr indicates that the system orders by number or may provide two-way communication with a central processor includes a keyboard, a display, and a memory. Although it does not clearly state that it is capable of displaying a list of items it indicates it has access to a processor that could inherently include a list of food items. If it is not found to inherently include displaying a list of items, Examiner takes official notice that providing a listing of items is notoriously old and well known in the art of restaurant service ordering in order to make it easier for the waiter or waitress to place the order for a customer.

Regarding selecting items within the total to determine the amount of partial payment is notoriously old and well known in the art of restaurant services to calculate the amount from a total bill which each guest at a table owes.

All other claimed limitations are either disclosed or inherent.

Response to Arguments

4. Applicant's arguments filed 10/6/03 have been fully considered but they are not persuasive. See details above under the rejection. Examiner has also provided an accounting reference which shows how the claimed algorithm for calculating and tracking total amounts is notoriously old and well known in the art of accounting in order

to track the amount due, amounts paid and the cumulative amount due until the account is paid.

Conclusion

5. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Elaine Gort whose telephone number is (703)308-6391. The examiner can normally be reached on Monday through Thursday from 7:00 am to 5:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Olszewski, can be reached at (703)308-5183. The fax phone

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number for the organization where this application or processing is assigned is
(703)872-9327.

Any inquiry of a general nature or relating to the status of this application or
proceeding should be directed to the receptionist whose telephone number is (703)308-
1113.

EG



November 26, 2003



ROBERT P. OLSZEWSKI
SUPERVISORY PATENT EXAMINER
BIOLOGY CENTER 3600